

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**Cr. No. H-24-0016-S1**

**ARTHUR HECTOR FERNANDEZ III**

**THIRD UNOPPOSED FIRST MOTION TO CONTINUE**

Defendant, Arthur Hector Fernandez, III, moves this Court for a 120-day continuance of all dates, and he respectfully shows as follows:

Mr. Fernandez is charged with sexual exploitation of children, in violation of 18 U.S.C. §§ 2251(a) and (e); coercion and enticement, in violation of 18 U.S.C. §2422(b); distribution of child pornography, in violation of 18 USC §§ 2252A(a)(2)(B) and 2252A(b)(1); and receipt of child pornography, in violation of 18 U.S.C. §§ 2252A(A)(2)(B) and 2252A(b)(1). The pretrial motions deadline was October 2, 2024; the pre-trial conference is set for October 30, 2024, at 10:30 a.m., and jury trial is set for November 4, 2024, at 9:00 a.m.

A superseding indictment was filed on September 19, 2024, and Mr. Fernandez was arraigned on September 23, 2024.

Additional discovery is anticipated and counsel needs additional time for review and investigation. Undersigned counsel has identified certain legal and factual issues that require further investigation. Counsel needs more time to

complete his investigation and analysis, and then to file pretrial motions, and to prepare for trial, if necessary. Moreover, additional time is needed to discuss the case with Mr. Fernandez.

The defendant respectfully submits that the best interests of justice served by granting this motion for a continuance substantially outweigh the interests of the defendant and the community in a speedy trial, and that failure to grant the continuance would deprive defense counsel of sufficient time to prepare for trial.

The government is unopposed to this motion to continue.

Respectfully submitted,

PHILIP G. GALLAGHER  
Interim Federal Public Defender  
Southern District of Texas No. 566458  
New Jersey State Bar No. 2320341

By /s/ Darryl E. Austin  
DARRYL AUSTIN  
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**CERTIFICATE OF CONFERENCE**

I certify that I conferred with Assistant United States Attorney Kimberly Leo and determined that the United States is unopposed to this first motion to continue.

By /s/ Darryl E. Austin  
DARRYL E. AUSTIN

**CERTIFICATE OF SERVICE**

I certify that on October 28, 2024, a copy of the foregoing was served by Notification of Electronic Filing and will be delivered by email to the office of Assistant United States Attorney Kimberly Leo.

By /s/ Darryl E. Austin  
DARRYL E. AUSTIN